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Law

JUDGE ADVOCATE ACCESSION PROGRAM

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This instruction implements AFR 51-1, *The Judge Advocate General's Department*. It explains procedures for the active duty judge advocate accession programs of The Judge Advocate General's Department. It implements the *Funded Legal Education Program* (pursuant to DoD Directive 1322.12, *Funded Legal Education*, April 12, 1974) and the *Excess Leave Program*. This instruction also establishes the programs for direct appointment, Air Force ROTC, recall, and inter- and intraservice transfer. This regulation applies to all applications for active duty as a judge advocate in The Judge Advocate General's Department (TJAGD).

This instruction requires the collection of information protected by the *Privacy Act of 1974*. The authority to collect and maintain the records prescribed in this instruction is 10 U.S.C. §806. Each form and format that is subject to the provisions of AFI 37-132, *Air Force Privacy Act Program*, and required by this publication contains a Privacy Act Statement, either incorporated in the body of the document or in a separate statement accompanying each document.

This publication does not apply to the US Air Force Reserve and the Air National Guard.

SUMMARY OF REVISIONS

This is the initial publication of AFI 51-101, substantially revising AFR 36-7. It updates guidelines for judge advocate accession programs. Use this instruction with AFR 51-1.

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Chapter 1

GENERAL PROVISIONS

1.1. Accession Authority. The Judge Advocate General (TJAG) is responsible for recruiting and selecting officers and officer candidates for duty as judge advocates.

1.2. Annual Quotas. TJAG determines annual program quotas.

1.3. AFIT Responsibility. Officers selected for the *Funded Legal Education Program (FLEP)* and *Excess Leave Program (ELP)*, and as AFROTC graduates on educational delay to study law will be assigned to AFIT for academic program management, personnel accountability, control and administrative support.

Chapter 2

FUNDED LEGAL EDUCATION PROGRAM (FLEP)

2.1. Program Description. The Secretary of the Air Force may direct the assignment of active duty career officers (Regular or Reserve) as students at accredited law schools for a period of training, not to exceed 36 months, leading to the degree of Bachelor of Laws or Juris Doctor and completion of the bar examination. No more than 25 officers may commence such training in any single fiscal year. Applications will not be accepted during any period in which the President is authorized by law to induct persons into the Armed Forces. Pay and allowances are authorized during the period of training and ordinary leave is accumulated and may be granted. Participants in this program must, at a minimum, pursue a normal day semester or quarter course schedule with the objective of receiving a basic degree within the period which is normal for the law school being attended. Participants may be directed to attend summer law school sessions to accelerate their legal education. Before submitting an application or applying for acceptance in a law school, applicants are encouraged to discuss the program with their functional manager (professional development staff officer) at HQ AFMPC and assess the probability of release from their career field if selected.

2.2. Status of Personnel in Program. FLEP participants are active duty officers assigned to AFIT. Participants will not engage in a course of conduct, activities, or lifestyle inconsistent with that status. In addition, they may not accept or engage in employment for any outside employer. Exceptions to this policy will be processed in accordance with the Joint Ethics Regulation. Submit applications for exceptions to AFIT/CISP, Wright-Patterson AFB OH 45433-6583 through HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420.

2.3. Eligibility. Title 10 U.S.C. 2004 establishes nonwaivable eligibility requirements. To be eligible to apply for assignment under this program, an applicant must:

- Be a commissioned officer in the US Air Force on extended active duty.
- Be a citizen of the United States.
- Have served on active duty (enlisted or commissioned service) for a period of not less than 2 years nor more than 6 years as of the first day of classes. Use the total active federal military service date (TAFMSD) to compute active duty time. Periods of attendance at the USAFA, USMA, USNA, and USCGA do not count; however, periods spent in the *Excess Leave Program* (ELP) do.
- Be in the pay grade 0-3 or below as of the first day of classes.

2.4. Program Prerequisites. Applicants must:

- Be graduates of a regionally accredited college or university with a baccalaureate degree or its equivalent.
- Furnish a statement showing any law schools where applicant has either been accepted or applied. Do not delay FLEP application awaiting final acceptance by a law school. Ultimate acceptance must be unconditional for autumn entry to an American Bar Association-approved, daytime law school located in the United States. TJAG reserves the authority to specify the law school to be attended.

- Be willing to apply for and accept Conditional Reserve Status if serving with an established date of separation.
- Have completed the Law School Admission Test (LSAT) and have received the results of the Law School Data Assembly Service (LSDAS).
- If rated and on flying status, as of the first day of classes, have served 3 years from the date of completion of the training which resulted in the award of an aeronautical rating.

2.5. Application Procedures. Obtain application formats from HQ USAF/JAX. Submit applications to the staff judge advocate (SJA) at the nearest Air Force base not earlier than 1 January and not later than 1 March of the calendar year of anticipated entry into law school. The SJA provides the applicant three copies of a receipt, using the format in attachment 1. The applicant mails one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420 and delivers one copy to the servicing CBPO. The applicant's CBPO enters an assignment availability code (code 24) to remain in effect until 1 June of the calendar year of application to indicate that the application for FLEP is pending. Within 10 calendar days of receipt of an application, the SJA forwards the application, with attachments and the report of interview, to HQ USAF/JAX.

2.6. Selection Recommendation . Selection is on a best-qualified basis. A board of senior judge advocates recommends selectees to TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter no later than 31 May.

2.7. Education Expenses:

2.7.1. Applicants are responsible for application expenses, such as law school application and LSDAS fees. The Air Force pays regularly established tuition and fees, and additional allowances authorized by AFIT procedures. However, the individual is responsible for the fees and expenses for bar review courses and bar examinations.

2.7.2. An officer who fails to complete the active duty service commitment (ADSC) incurred in this program as a result of action not initiated by the Government must reimburse the Government for all or any portion of the tuition and other educational costs in an amount the Secretary of the Air Force determines. Include a statement of this agreement in each FLEP application.

2.8. Active Duty Service Commitment:

2.8.1. The ADSC for participation in the FLEP is 2 years for each academic year, or part thereof, of legal training. Five years is the minimum ADSC for individuals who participate in the *Excess Leave Program (ELP)* and complete their legal training in the FLEP.

2.8.2. Officers who are dropped from the FLEP for deficiency in conduct, studies, or other reasons, incur an ADSC of 1 year for each year, or part thereof, of participation in the FLEP.

2.8.3. No portion of the FLEP program period (including periods of legal internship) may be used to satisfy any preexisting ADSC. The ADSC for legal training under this program begins either at the termination or completion of this program or upon completion of any unfulfilled ADSC, whichever is later.

2.9. Flying Status. Applicants for the program who are on flying status must include a separate request for voluntary permanent disqualification for aviation service in accordance with AFI 11-402, *Aviation Service, Aeronautical Ratings, and Badges* (formerly AFR 60-13). This request will be forwarded by HQ USAF/JAX to AFMPC/DPMROM for those applicants selected for the program. Aeronautical orders will be published, terminating applicant's flying status, effective the date of class entry.

2.10. AFIT Requirements. All AFIT participants in this program must comply with applicable portions of AFIT Regulation 53-1, unless specific exemptions have been granted by AFIT.

2.11. Legal Internships:

2.11.1. Legal internships are an integral part of the legal training under FLEP. During the first 2 years of the program, participants are required to perform legal internships during law school summer vacations. Internships must begin within 2 calendar days of the officer's last examination or class and may not end earlier than two calendar days before the start of fall classes. See attachment 2 for internship objectives and an outline of training.

2.11.2. No later than 60 calendar days before such law school vacations, each officer will notify AFIT/CISP of the beginning and ending dates of the vacation and furnish an information copy to HQ USAF/JAX. AFIT coordinates with HQ USAF/JAX regarding the officer's internship program and provides appropriate administrative support.

2.11.3. HQ USAF/JAX selects legal offices where all periods of internship are served. No later than 14 calendar days after completion of each summer internship, the supervising SJA or headquarters division chief prepares and transmits to AFIT/CISP an AF Form 77, **Supplemental Evaluation Sheet**, to permit AFIT/CISP to complete required annual training reports.

2.11.4. Only TJAG makes exceptions to the policies of this paragraph.

2.12. Termination of Program. The AFIT Commandant may, at any time and at his or her discretion, terminate an officer's participation in the program.

2.13. Completion of Program:

2.13.1. Participation in this program terminates on completion of the initial bar examination or graduation from law school, whichever is later.

2.13.2. Before graduation, officers are provided with assignment instructions.

2.13.3. Not later than 4 months before graduation, all officers must provide HQ USAF/JAX, with an information copy to AFIT/CISP, the date of graduation, the jurisdiction and the date of the bar examination, and projected bar admission date.

2.13.4. Officers must take the first scheduled bar examination following graduation from law school, either in the state where their law school is located or the state of their domicile. Only TJAG makes exceptions to this requirement.

2.13.5. Officers who fail to pass the first bar examination must take the next bar examination in either the same jurisdiction or in any other jurisdiction authorized above. TJAG has the discretion to return officers who fail a bar examination more than once to their original career field.

2.14. Designation as Judge Advocate. Upon admission to the bar, each officer must furnish HQ USAF/JAX a copy of the officer's final transcript, a copy of the officer's law school diploma, and an official statement of admission and good standing from the highest court of the state or of the federal court where the officer has been admitted to practice. TJAG determines whether to designate the individual as a judge advocate.

Chapter 3

EXCESS LEAVE PROGRAM

3.1. Program Description of Excess Leave. The Secretary of the Air Force may authorize excess leave for a period not to exceed 36 months for active duty career officers (Regular or Reserve) to obtain a basic law degree at an accredited law school and take a bar examination. Excess leave is leave other than that accrued under 10 U.S.C. 701 and is not charged against an officer's leave account and does not have to be repaid. No pay or allowances are authorized for such periods, nor is ordinary leave accumulated. Participants continue to accrue time for promotion and retirement purposes and remain eligible for other active duty benefits, such as medical services, commissary and base exchange privileges. Officers return to pay status and ordinary leave may be granted while performing internships. Participants in this program must, at a minimum, pursue a normal day semester or quarter course schedule with the objective of receiving a basic law degree within the period which is normal for the law school being attended. Before submitting an application or applying for acceptance in a law school, applicants are encouraged to discuss the program with their functional manager (professional development staff officer) at HQ AFMPC and assess the probability of release from their career field if selected.

3.2. Status of Personnel in Program. Personnel participating in the *Excess Leave Program* are active duty officers assigned to AFIT, serving in a non-pay status. Participants will not engage in a course of conduct, activities, or lifestyle inconsistent with that status. In addition, they may not accept or engage in employment for any outside employer. Exceptions to this policy will be processed in accordance with the Joint Ethics Regulation. Submit applications for exceptions to AFIT/CISP, Wright-Patterson AFB, OH 45433-6583 through HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420.

3.3. Eligibility Requirements. To be eligible to apply for assignment under this program, applicants must:

- Be a commissioned officer in the US Air Force on extended active duty.
- Be a citizen of the United States.
- Have served on active duty (enlisted or commissioned service) for a period of not less than 2 years as of the first day of classes.
- Be in the pay grade O-3 (with less than 3 years in grade) or below as of the first day of classes.
- If rated and on flying status, as of the first day of classes, have served 3 years from the date of completion of the training which resulted in the award of an aeronautical rating.

3.4. Prerequisite Requirements. Applicants must:

- Be graduates of a regionally accredited college or university with a baccalaureate degree or its equivalent.
- Furnish a statement showing any law schools where applicant has either been accepted or applied. Do not delay ELP application awaiting final acceptance by a law school. Ultimate acceptance must be unconditional for autumn entry to an American Bar Association-approved, daytime law school located in the United States. TJAG reserves the authority to specify the law school to be attended.

- Be willing to apply for and accept Conditional Reserve Status, if serving with an established date of separation.
- Have completed The Law School Admission Test (LSAT) and have received the results of The Law School Data Assembly Service (LSDAS).

3.5. How To Apply. Obtain application formats from HQ USAF/JAX. Submit applications to the SJA at the nearest Air Force base not earlier than 1 January and not later than 1 March of the calendar year of anticipated entry into law school. The SJA provides the applicant three copies of a receipt using the format in attachment 1. The applicant mails one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420, and delivers one copy to the servicing CBPO. The applicant's CBPO enters an assignment availability code (code 24) to remain in effect until 1 June of the calendar year of application to indicate that the application for ELP is pending. Within 10 calendar days of receipt of an application, the SJA forwards the application, with attachments and the report of interview, to HQ USAF/JAX.

3.6. Selection. Selection is on a best-qualified basis. A board of senior judge advocates recommends selectees to TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter no later than 31 May.

3.7. Associated Educational Expenses. The officer is solely responsible for all application expenses, tuition, fees, associated educational expenses, and bar examination fees.

3.8. ADSC:

3.8.1. The ADSC for officers who complete the ELP is 4 years.

3.8.2. Officers who do not complete the *Excess Leave Program* incur an ADSC of 1 month for each month of participation in the program.

3.8.3. No portion of the ELP program period (including periods of legal internship) may be used to satisfy any preexisting ADSC. The ADSC for legal training under this program begins either at the termination or completion of this program or upon completion of any unfulfilled ADSC, whichever is later.

3.9. Rated Personnel. Rated personnel must comply with paragraph 2.9.

3.10. ELP Requirements. The requirements stated in paragraph 2.10 apply to officers selected for the ELP.

3.11. Legal Internships. Legal internships are an integral part of the training under the ELP.

3.11.1. During the first 2 years of the program, participants are required to perform legal internships during law school summer vacations. Internships must begin within 10 calendar days of the officer's last examination or class, whichever is later, and may not end earlier than 10 calendar days before the start of fall classes. See attachment 2 for internship objectives and an outline of training to be performed.

3.11.2. During any other periods of vacation extending 14 calendar days or more, officers may perform internships. This includes periods of 14 days or more between: (1) an officer's last examination

and law school graduation; (2) an officer's law school graduation and the beginning of a bar review course or the bar examination, if no review course is undertaken; or (3) the end of the bar review course and the beginning of the bar examination. The decision to request an internship during these periods is solely within the discretion of the individual concerned. AFIT must approve the request. Pay and allowances, as well as per diem and travel, will be authorized for these periods.

3.11.3. No later than 60 calendar days before such law school vacations, each officer will notify AFIT/CISP of the beginning and ending dates of the vacation and furnish an information copy to HQ USAF/JAX. AFIT coordinates with HQ USAF/JAX regarding the officer's internship program and provides appropriate administrative support.

3.11.4. No later than 60 calendar days before the vacation periods described above, each officer must notify AFIT/CISP of the beginning and ending dates of such vacation and furnish information copies to HQ USAF/JAX and the SJA of the base of assignment for training. This notification must include the officer's election regarding internship during any optional internship period. AFIT coordinates with HQ USAF/JAX regarding the officer's internship program and provides appropriate administrative support.

3.11.5. In addition to the internships described above, officers may request approval to work at an Air Force legal office for any other period between 1 and 13 days. Pay and allowances will be earned during these periods, but no funds will be authorized for per diem or travel. No leave will be accumulated during periods of duty of less than six days. Interested officers submit a letter of request to the local legal office where they desire to perform the work. The local SJA will forward the request to AFIT/CISP after indicating whether: (1) suitable work is available; (2) appropriate local supervision is present; and (3) the SJA concurs with the request. AFIT/CISP coordinates the request with HQ USAF/JAX and advises the officer and the SJA whether the request is approved or disapproved. If approved, the local SJA certifies to AFIT/CISP, Wright-Patterson AFB OH 45433-6583, by the sixth of each calendar month, the name of the officer and periods of duty performed during the previous month. AFIT/CISP initiates financial transactions with the servicing accounting and finance office and the Defense Finance and Accounting Service.

3.11.6. HQ USAF/JAX selects legal offices where all periods of internship are served. No later than 14 calendar days after completion of each summer internship, the supervising SJA or headquarters division chief prepares and transmits to AFIT/CISP an AF Form 77, **Supplemental Evaluation Sheet**, to permit AFIT/CISP to complete required annual training reports.

3.11.7. Only TJAG makes exceptions to the policies of this paragraph.

3.12. Terminating the Program. The AFIT Commandant may, at any time and at his or her discretion, terminate an officer's participation in the program.

3.13. Completing the Program:

3.13.1. The excess leave status of a participant terminates 10 calendar days after completion of the initial bar examination or graduation from law school, whichever is later. Participants may request early completion to return to active duty after graduation from law school and prior to the bar examination. If the request is approved by AFIT/CISP and HQ USAF/JAX, the individual will be assigned to the permanent duty station and allowed to take ordinary leave to take a bar review course and the bar examination. Permissive TDY will not be authorized.

3.13.2. Before graduation, officers are provided with assignment instructions.

3.13.3. Not later than 4 months before graduation, all officers must provide HQ USAF/JAX, with an information copy to AFIT/CISP, the date of graduation, the jurisdiction and the date of the bar examination, and projected bar admission date.

3.13.4. Officers must take the first scheduled bar examination following graduation from law school, either in the state where their law school is located or the state of their domicile. Only TJAG makes exceptions to this requirement.

3.13.5. Officers who fail the first bar examination must take the next bar examination in either the same jurisdiction or in any other jurisdiction authorized above. TJAG has the discretion to return officers who fail a bar examination more than once to their original career field.

3.14. Designation as Judge Advocate. Upon admission to the bar, each officer must furnish HQ USAF/JAX a copy of the final transcript, law school diploma, and an official statement of admission and good standing from the highest court of the state or of the federal court where the officer has been admitted to practice. TJAG, at his or her discretion, then determines whether to designate the individual as a judge advocate.

Chapter 4

DIRECT APPOINTMENT

4.1. Applying for Direct Appointment. *The Direct Appointment Program* permits qualified civilians, enlisted personnel, and Reserve officers of other Armed Forces to apply for direct appointment for duty as an Air Force judge advocate.

4.2. Eligibility Information. Attorneys and law students who are citizens of the United States and who will be commissioned before their 35th birthday may apply. Attorney applicants must be graduates of an ABA-approved law school and have been admitted to practice before any state's highest court or a federal court. Law students must be attending an ABA-approved law school, have completed two-thirds of their credit requirements, and be in good academic standing. Law students are selected contingent upon graduation from an ABA-approved law school and admission to practice before any state's highest court or a federal court.

4.3. Application Information. Applicants must complete AF Form 1758, **Statements of Understanding**, AF Form 1759, **Air Force Attorney Application Instructions and Forms**, and AF Form 1760, **Judge Advocate Assignment Preference Sheet**, which may be obtained directly from HQ USAF/JAX. The SJA furnishes applicants three copies of a receipt (see attachment 1). Applicants must mail one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420.

4.4. Selection. Selection is on a best-qualified basis. A board of senior judge advocates recommends selection to TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter.

4.5. Medical Examination. All selectees must meet height and weight standards and successfully complete an Air Force commissioning medical examination. HQ AFMPC/DPMMM determines successful completion. Failure to successfully complete the medical examination renders the applicant ineligible for this program.

4.6. Appointment. Selectees who are medically qualified and have completed all legal licensing requirements must execute an oath of office. Upon execution of the oath, the selectee is appointed as a first lieutenant in the Air Force Reserve and usually begins active duty as a judge advocate shortly thereafter. Selectees enter active duty as a first lieutenant and are eligible for promotion to captain following completion of six months of active duty. The initial ADSC is 4 years.

Chapter 5

AFROTC

5.1. One-Year College Program (OYCP):

5.1.1. The OYCP expands the opportunities for law students to enter the Air Force Reserve Officer Training Corps (ROTC) commissioning program. The OYCP pays for 1 academic year of law school--books, tuition, and allowable fees--for those eligible for AFROTC scholarships; however, applicants ineligible for scholarship benefits may still participate in the OYCP. Selectees are guaranteed a position as an Air Force judge advocate upon successful completion of the AFROTC program, certification of medical qualification, graduation from an ABA-approved law school, and completion of legal licensing requirements, including admission to practice before any state's highest court or a federal court.

5.1.2. Law students in their first or second year of law school are eligible to apply. Applicants must:

- Be attending an ABA-approved law school which is near an AFROTC detachment.
- Be in good academic standing.
- Meet AFROTC entry standards.
- If receiving scholarship benefits, be under age 25 on 30 June of the year in which commissioned as an Air Force officer. Applicants with prior military service may exceed the age 25 restriction by a period equal to the period of service on active duty up to 4 years.
- If ineligible for scholarship benefits, be under age 35 before entering active duty.

5.1.3. In addition to completing AF Form 1759, **Air Force Attorney Application Instructions and Forms**, an applicant must apply through the local AFROTC detachment where the applicant plans to receive training. Application should be made at the beginning of the spring semester of the first or second year of law school. The deadline for completion of all application requirements is 1 April. The SJA furnishes the applicant two copies of a receipt (attachment 1). The applicant must mail one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420.

5.1.4. Selection is on a best-qualified basis. A board of senior judge advocates recommends selectees to TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter.

5.1.5. Selectees attend a 6-week AFROTC field training encampment during the summer prior to entering the AFROTC program as contract cadets. Cadets then complete the normal academic requirements for the OYCP at an AFROTC detachment and complete a 4-week training period the following summer.

5.1.6. Upon completion of the AFROTC program and graduation, cadets are commissioned as second lieutenants. Those who have completed legal licensing requirements normally enter active duty shortly thereafter. Those who have not yet completed legal licensing requirements are granted an educational delay until completion of those requirements. Graduates of the OYCP begin active duty as first lieutenants and are eligible for promotion to captain following the completion of 6 months of active duty. The initial ADSC is 4 years.

5.1.7. Participants eligible for AFROTC scholarships will receive allowances in accordance with AFROTC requirements.

5.2. Graduate Law Program (GLP):

5.2.1. *The Graduate Law Program* is a 2-year Air Force ROTC program for law students. Selectees are guaranteed a position as an Air Force judge advocate upon successful completion of the AFROTC program, certification of medical qualification, graduation from an ABA-approved law school, and completion of legal licensing requirements, including admission to practice before any state's highest court or a federal court.

5.2.2. Applicants must:

- Be attending an ABA-approved law school which is near an AFROTC detachment.
- Be in good academic standing.
- Meet AFROTC entry standards.

5.2.3. In addition to completing AF Form 1759, **Air Force Attorney Application Instructions and Forms**, an applicant must apply through the local AFROTC detachment where the applicant plans to receive training. Application should be made at the beginning of the spring semester of the first year of law school. The deadline for completion of all application requirements is 1 April. The SJA furnishes the applicant two copies of a receipt (attachment 1). The applicant must mail one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420.

5.2.4. Selection is on a best-qualified basis. A board of senior judge advocates recommends selectees to TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter.

5.2.5. Selectees attend an AFROTC field training encampment during the summer between their first and second years of law school prior to entering the AFROTC program as contract cadets. While attending their second and third years of law school, cadets complete the normal academic requirements for the AFROTC 2-year Professional Officer's Course at an AFROTC detachment.

5.2.6. Upon completion of the AFROTC program and graduation, participants are commissioned as second lieutenants. Those who have completed legal licensing requirements normally enter active duty shortly thereafter. Those who have not yet completed legal licensing requirements are granted an educational delay until completion of those requirements. Graduates of the GLP begin active duty as first lieutenants and are eligible for promotion to captain following completion of six months of active duty. The initial ADSC is 4 years.

5.2.7. Participants will receive pay and allowances in accordance with AFROTC requirements.

5.3. Educational Delay:

5.3.1. The AFROTC Educational Delay Program is a 3-year program for officers commissioned through Air Force ROTC who want to delay their entry on extended active duty to study law. Applicants must compete for selection both for entry into the program and for entry into TJAG's Department upon successful completion of the program. Applicants are not guaranteed a position as an Air Force judge advocate.

5.3.2. Applicants must:

- Comply with AFI 36-2009 and AFROTC Regulation 53-5.
- Have applied and ultimately be admitted to an ABA-approved law school.
- Be in good academic standing.
- Meet AFROTC entry standards.

5.3.3. Application for entry into the program occurs during the spring semester of the senior year of undergraduate education. Application for entry into TJAG's Department occurs in the spring semester of the final year of law school. In addition to completing AF Form 1759, **Air Force Attorney Application Instructions and Forms**, applicants must apply through the local AFROTC detachment at the beginning of the spring semester of their final year of undergraduate education. The deadline for completion of all application requirements is 1 April.

5.3.4. Selection is on a best-qualified basis. A board of senior judge advocates recommends selectees to TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter.

5.3.5. Officers on educational delay:

- Are in reserve training status and will participate as Category J reservists.
- Retain their educational delay status conferred pursuant to AFI 36-2009.
- Retain their service obligation and are subject to mobilization.

5.3.6. Category J status will continue until one of the following occurs:

- The officer is designated as a judge advocate.
- The officer's educational delay status is terminated or expires.
- The officer fails to complete his legal studies or legal licensing.
- TJAG, at his or her discretion, terminates the officer's participation.

5.3.7. Selectees are assigned to the Air Force Institute of Technology (AFIT) and are required to inform AFIT of their academic progress. ARPC, after consultation with HQ USAF/JAX, identifies the reserve officers for training and determines the base of attachment for training. At the beginning of each academic year, AFIT/CIS provides ARPC/JA and HQ USAF/JAX with a roster of all reserve officers delayed for the study of law. ARPC assigns all officers so selected to the 9035 Air Reserve Squadron (JAG/CJ) as Category J reservists pursuant to AFR 35-41.

5.3.8. The method of assignment and reappointment as a judge advocate:

5.3.8.1. Officers serving in the grade of first lieutenant (O-2) and above who are selected by TJAG and who meet the professional qualifications in AFI 36-2005 will be assigned to TJAG's Department Reserve in accordance with AFI 51-802.

5.3.8.2. Officers serving in the grade of second lieutenant (O-1) who are selected by TJAG and who meet the professional qualifications in AFI 36-2005 will be reappointed as a judge advocate and assigned to TJAG's Department Reserve as provided in AFI 51-802.

5.3.9. The initial ADSC is 4 years. Active duty as a judge advocate begins after completion of legal licensing requirements. Officers who fail to meet legal licensing requirements are required to fulfill their active duty service commitment for AFROTC through performance of other Air Force duties.

Graduates of the Educational Delay Program begin active duty as first lieutenants and are eligible for promotion to captain following completion of 6 months of active duty.

5.4. Participants' Cost. Participants are responsible for the cost of their legal education and do not receive military pay or benefits during their legal studies.

5.5. Performing a Legal Internship:

5.5.1. All commissioned AFROTC graduates who have been granted an educational delay to study law will perform a legal internship during a law school summer vacation (see attachment 2). This internship will be served between either the first and second or the second and third academic years of law school. Duration of training is at least 60 and not more than 89 days. Pay and allowances, as well as per diem and travel, will be authorized during the period of internship. TJAG may grant waivers for hardship or other compelling reasons.

5.5.2. No later than 10 January, each officer must notify ARPC/JA and HQ USAF/JAX of the beginning and ending dates of the summer vacation period, address to which orders should be sent, and include home address, names of nearest Air Force bases, and the desired training base. Any request for waiver should accompany this notification, explicitly detailing the circumstances underlying such request.

5.5.3. Internships are served in the office of the SJA of the base of attachment for training. No later than 14 calendar days after the end of each summer internship, the supervising SJA or division chief prepares an AF Form 77, **Supplemental Evaluation Sheet**, and sends the original to ARPC/JA and with a copy to HQ USAF/JAX and AFIT/CISP.

5.5.4. Only TJAG makes exceptions to the policies of this paragraph.

Chapter 6

RECALL

6.1. The Recall Program. *The Recall Program* permits qualified officers serving in the Air Reserve Component to enter extended active duty (EAD). The officer must otherwise be eligible for entry on EAD in accordance with AFI 36-2008.

6.2. Who Is Eligible. An officer serving in the Air Reserve Component who is a graduate of an ABA-approved law school and admitted to practice law before any state's highest court or a federal court or who is attending an ABA-approved law school may apply. Law students may apply during their last semester, but selection is contingent upon graduation and completion of legal licensing.

6.3. Application Responsibilities. Applicants must complete AF Form 1759, **Air Force Attorney Application Instructions and Forms**. The SJA furnishes the applicant two copies of a receipt (attachment 1). The applicant must mail one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420.

6.4. Selection Procedures. Selection is based on a best-qualified basis. A board of senior judge advocates recommends selectees to TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter.

6.5. Reserve Commitment. The initial ADSC is 4 years. Selectees must obtain a conditional release from their Air Reserve Component unit before entering active duty.

Chapter 7

INTRASERVICE TRANSFER

7.1. Program Description and Eligibility. Active duty Air Force officers who have at least 4 years but no more than 10 years total active federal commissioned service may request an intraservice transfer to TJAG's Department provided they have graduated from an ABA-approved law school and have been admitted to practice before any state's highest court or a federal court. Applicants must have completed all active duty service commitments as of the effective date of transfer or appointment.

7.2. Application and Interview. Using the format in attachment 3, submit applications to the SJA at the nearest Air Force base. Applicants must schedule an application interview with the SJA and submit the application no later than the time of the interview. The SJA furnishes the applicant three copies of a receipt (see attachment 1). The applicant must mail one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420 and deliver one copy to his servicing CBPO. The applicant's CBPO enters an assignment availability code (code 24) to remain in effect for 4 months while the date of the application for intraservice transfer is pending. Within 10 calendar days of receipt of an application, the SJA forwards the application, with attachments and the report of interview, to HQ USAF/JAX. The SJA's interview report follows the same format as that used for direct appointment.

7.3. Selection Recommendation. Selection is on a best-qualified basis. A board of senior judge advocates recommends selectees TJAG. TJAG approves or disapproves the board's recommendations. Applicants are notified of the results by letter and, if selected, with a projected date of transfer.

7.4. ADSC Designation. The ADSC is 4 years from date of designation as a judge advocate.

Chapter 8

INTERSERVICE TRANSFER

8.1. Interservice Transfer Program Description. Regular or Reserve officers in the pay grade of O-3 or below on extended active duty with another branch of the Armed Forces may request a transfer to the Air Force for duty as a judge advocate provided they have graduated from an ABA-approved law school and have been admitted to practice before any state's highest court or a federal court. Applicants must have served a minimum of two years on active duty at the time of the request.

8.2. Application Procedures. In addition to completing AF Form 1759, **Air Force Attorney Application Instructions and Forms**, applicants must submit any documents required by their parent service and those prescribed by AFI 36-2004, *Interservice Transfer of Officers on the Active Duty List to the United States Air Force (USAF)*. The SJA furnishes the applicant two copies of a receipt (see attachment 1). The applicant must mail one copy of the receipt directly to HQ USAF/JAX, 1420 Air Force Pentagon, Washington DC 20330-1420.

8.3. Selection Recommendation. Selection is on a best-qualified basis. A board of senior judge advocates recommends selectees to TJAG. TJAG may approve or disapprove the board's recommendations. Applicants are notified of the results by letter and, if selected, with a projected date of transfer.

8.4. Designation of ADSC. The ADSC is 4 years from date of designation as a judge advocate.

8.5. Forms Prescribed. AF Form 1759, **Air Force Attorney Application Instructions and Forms** and AF Form 1760, **Judge Advocate Assignment Preference Sheet**.

NOLAN SKLUTE, Maj General, USAF
The Judge Advocate General

Attachment 1
RECEIPT OF APPLICATION
(LETTERHEAD)

MEMORANDUM FOR HQ USAF/JAX

FROM:

SUBJECT: Receipt for AFI 51-101 Application for *(Specify program) *(Name of applicant)

1. Receipt of subject application acknowledged this _____ day of _____, 19____.
2. The application contains all required information and forms.
3. I will forward the application and report of interview to HQ USAF/JAX within 10 calendar days.
4. I have furnished *(two) (three) copies of this receipt to the applicant and instructed the applicant to personally mail one copy to HQ USAF/JAX *(and to deliver one copy to this servicing CBPO).

(signature block)

*Strike inapplicable language.

Attachment 2

INTERNSHIP OBJECTIVES AND TRAINING OUTLINE

OUTLINE OF TRAINING PERIOD

Area	Days
Installation Orientation	2
Military Justice	21*
Civil Law	21*
Preventive Law	7
Claims and Contracts	21*
Legal Assistance	10
Area Defense Counsel	7
TOTAL	89

*If a training period of less than 89 days is directed, periods of up to 7 days may be deleted in each of these phases.

SPECIFIC OBJECTIVES OF THE PROGRAM

Purpose

To Include:

Develop basic working knowledge of legal and related publications

- The Manual for Courts-Martial
- The Military Justice Reporter System
- Applicable provisions of the United States Code
- DoD and Air Force policy directives, instructions, manuals and pamphlets, including the 51-XXX series, and applicable portions of the 31, 34, 35, 36, 37, 65, 71, and 90-XXX series.
- Policy letters
- FLITE

Develop oral communications skills

- Giving legal briefings, lectures and seminars
- Discussions with commanders and first sergeants
- Communicating with legal assistance clients
- Communicating with defense clients
- Meeting with local community organizations
- Communicating with claimants

Develop written communications skills

- Preparing criminal charges
- Preparing various court-martial-related documents

Develop an understanding of the judge advocate's role in the Air Force mission

- Preparing legal reviews of airman separations, reports of survey, line of duty investigations, contracts, etc.
- Litigation reports
- Preparing and reviewing local regulations and operating instructions
- Preparing wills, bills of sale, powers of attorney, and other legal assistance documents
- Preparing and reviewing a claims officer's report
- General counsel to the commander
- Completed staff work
- Attending various staff meetings
- Coordinating with other staff agencies (e.g., OSI, SP, DP, etc.)

PHASE I (2 days) INSTALLATION ORIENTATION

Purpose

Familiarize interns with personnel, mission and base facilities

To Include:

- Billeting arrangements
- Thorough briefing on grooming and dress standards, customs and courtesies, security
- Visits to facilities, such as medical, BX, commissary, base/wing headquarters, etc.
- Introductions to the legal staff
- An overview of the judge advocate's role on the installation commander's staff
- A briefing on the following aspects of the program: military justice, civil law, claims, legal assistance, preventive law, specialized practice areas, continuing legal education, office administration, additional duties, social concerns and obligations

Introduction to the legal staff and office mission to enable the intern to identify with and functionally train as a staff member

PHASE II (21 days) MILITARY JUSTICE

Purpose

Familiarize interns with court-martial procedures

To Include:

- Types of courts-martial
- Military jurisdiction
- Criminal investigation by OSI and SP
- Interaction with the US Attorney and local prosecutors

	<ul style="list-style-type: none"> • Rules for Courts-Martial; Military Rules of Evidence; AFI 51-201, <i>Nonjudicial Punishment Guide</i>, MCM • Military justice research, UCMJ, CMR, USCA, applicable regulations • Drafting charges • Preferral and referral of charges • Article 32 investigations • Pretrial confinement • Preparing trial briefs and witnesses • Motion practice • Voir dire • Presentation of the Government's case and evidentiary matters • Post-trial clemency procedures • Air Force confinement programs • Appellate review • Records of trial processing, AMJAMS • <i>Victim Witness Assistance Act</i>
Familiarize interns with Article 15 procedures	<ul style="list-style-type: none"> • Jurisdiction • Investigation by the unit commander • Advising commanders when to use Article 15 • Types of Article 15s • Drafting charges • Advising the commander on punishment • Appellate procedures, remissions, set aside • Vacation of suspensions
Familiarize interns with administrative disciplinary actions	<ul style="list-style-type: none"> • Office administration of Article 15s; AMJAMS • Oral and written counseling • Letters of admonishment and reprimand • Control roster • Unfavorable information files • Rehabilitation agencies

PHASE III (21 days)

CIVIL LAW

Purpose

To Include:

Familiarize interns with voluntary and involuntary separation actions

- Advising the commander
- AFI 36-3208; marginal airman, humanitarian problems, personality disorders, financial irresponsibility, misconduct, drug abuse, civil conviction, fraudulent enlistment, etc.
- All phases of discharge board proceedings
- Review of completed separations actions
- Officer separation actions
- Board for Correction of Military Records
- Discharge Review Board
- *The Freedom of Information Act*
- *The Privacy Act of 1974*
- Environmental law problems
- Labor-management relations: negotiating union contracts, adverse civilian personnel actions
- *Family Advocacy Program*
- Forensic medicine
- Nonappropriated funds
- Private associations; bylaws, constitutions, minutes
- Reports of survey
- Line of duty
- Dual sovereignty; jurisdiction, taxes, litigation
- Inspector General and Congressional inquiries
- Article 138, UCMJ
- Discrimination complaints
- Gifts
- Standards of conduct
- Defense-related employment
- Posse Comitatus
- Conscientious objectors
- Political activities

Familiarize interns with recurrent civil law problems

PHASE IV (7 days)
PREVENTIVE LAW
Purpose

To Include:

Familiarize interns with procedures for educating and informing Air Force people about the law, their legal rights and obligations

- Military law seminars
- Commanders' calls
- Newcomers' orientations
- Family service orientations
- Premarital seminars
- Command emphasis items
- Base newspaper articles
- Installations bulletin notices
- Preparation of handbooks, pamphlets, newsletters and flyers

PHASE V (21 days)

CLAIMS AND CONTRACTS

Purpose

Familiarize interns with all types of claims and claims procedures

To Include:

- Claims investigation
- Preparation of reports and files
- Negotiating claims settlements
- Appellate procedure
- Base claims authority
- Household good claims
- Carrier recovery claims
- Government claims
- Hospital recovery claims, coordination of benefits
- Federal tort claims, including interactions with the US Attorney
- Foreign claims
- Admiralty claims
- Military Claims Act claims
- Preparing seven-point memorandum
- Review of contracts
- Types of contracts
- Taxation
- Contract provisions
- Labor standards
- Methods of procurement
- Fiscal issues
- Disputes procedure
- Conflicts of interest

Familiarize interns with government contracts

- Patents, copyrights, trademarks

PHASE VI (VI) LEGAL ASSISTANCE

Purpose

Familiarize interns with the legal assistance program

Familiarize interns with means of resolving recurrent problems

To Include:

- Eligible individuals
- Typical problems
- Referral to the local bar, legal aid or public defender
- Confidentiality and privileged status
- Wills and powers of attorney
- Leases and purchases of homes
- Taxes: federal and local
- Domestic relations, adoption
- Consumer protection
- Indebtedness, bankruptcy
- Automobile problems, traffic laws
- Insurance
- *Soldiers' and Sailors' Civil Relief Act*

PHASE VII (7 days)

AREA DEFENSE COUNSEL PROGRAM

Purpose

Familiarize interns with the functions and duties of the area defense counsel

To Include:

- Independent judiciary
- Mission of the ADC
- Interaction with the base legal office
- Interaction with commanders
- Interaction with criminal investigators
- Representing defense clients
- Court-martial cases
- Article 15 cases
- Discharge cases

Attachment 3
APPLICATION FOR INTRASERVICE TRANSFER
(LETTERHEAD)

MEMORANDUM FOR STAFF JUDGE ADVOCATE, _____ AFB
HQ USAF/JAX
IN TURN

FROM: (Rank, Name, SSAN)

SUBJECT: Application for Intraservice Transfer, AFI 51-101

Request I be considered for an intraservice transfer to The Judge Advocate General's Department, USAF.

If approved, I understand and agree that:

- a. I will incur an additional active duty service commitment of 4 years, commencing upon the date of my designation as a judge advocate; and,
- b. If rated and on flying status, I have attached a request for voluntary permanent disqualification for aviation service.

The following information pertinent to this application is submitted:

Rank, name, SSAN:

I am a (Regular) (Conditional Reserve Status) officer.

Total active federal military service date (TAFMSD):

Date of birth:

Date of rank:

Current mailing address:

Permanent mailing address, through which mail will be forwarded to me:

Home phone (including area code):

Duty phone (DSN):

Unit of assignment:

Included as attachments are:

Full-length photo;
Resume;
Assignment preference sheet;
Copies of military performance reports;
Letters of reference (optional, but encouraged);
Writing sample (optional, but encouraged);
Copy of the LSAT (LSDAS) report;
Official indication of law school class standing and law school graduation;
One copy of my official transcripts of all undergraduate, graduate, and law school courses;
Official proof of admission to practice law before the highest court of a state of the United States or a federal court and proof of good standing from the bar to which admitted;
Two copies of my request for voluntary permanent disqualification for aviation service (applicable to rated officers only); and
Two copies of a completed specified period of time contract (SPTC), accomplished in accordance with AFI 36-2107 to ensure a 4-year active duty service commitment from the date of designation as a judge advocate (applicable to non-career officers only).

I request TJAG's Department selection board consider the following special matters when evaluating my application. *(This paragraph is optional.)*

(signature)
(typed name, grade, USAF)
(organization)

Attachments

1. XXX
2. XXX

PRIVACY ACT STATEMENT: Application for Intraservice Transfer (AFI 51-101).

AUTHORITY: 10 U.S.C. § 8037 and Executive Order 9397.

PURPOSE: This letter provides necessary information for the approval authority to determine whether the applicant meets all requirements for transfer.

ROUTINE USES: Reviewed by processing activities and the approval authority in rendering a decision on the application.

DISCLOSURE IS VOLUNTARY: However, failure to disclose requested information will result in non-consideration of the application.